

REMARKS

Claims 1-7, 11-17 and 19-36 are presented for examination.

Claim 9 has been cancelled to address the double patenting issue raised by the Examiner.

Claims 1-7, 9, 11-17 and 19-36 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Ghazarian in view of Official Notice.

This rejection is respectfully traversed for the following reasons.

Independent claim 1 recites a system for preventing unauthorized access to products in a retail system, comprising:

- an order-processing system for receiving from a customer an order for a product,
- a storage facility for storing the product ordered by the customer,
- a purchase obtaining facility having a purchase pick-up point for enabling the customer to pick up the ordered product, the purchase obtaining facility being remote with respect to the storage facility, and
- a tracking system for tracking the ordered product from time when the ordered product is handled at the storage facility to time when the product is picked up by the customer at the purchase pick-up point, to eliminate exposure of the product to contamination by an unwanted substance.

The claim indicates that the tracking system is configured to record ID information that identifies a package containing the ordered product when the package is formed at the storage facility. The ID information includes customer ID data identifying the customer that placed the order into the order processing system. The recorded ID information is being modified when the package is being transferred to the purchase pick-up point to reflect information associated with transfer of the product.

The tracking system tracks changes in the recorded ID information until the product is received by the customer identified by the customer ID data.

Further, the tracking system is configured to:

- obtain authorization information identifying personnel authorized to perform operations in connection with the product, and
- obtain information identifying personnel involved in handling the product.

Further, the claim indicates that the tracking system has an unauthorized access warning mechanism responsive to the authorization information and to the information on the personnel involved in handling the product for providing indication of an access to the product by an unauthorized person.

With respect to claim 1, the Examiner takes the position that Ghazarian teaches delivery of products. Also, the Examiner relies upon paragraph 0032 of the reference for disclosing tracking of the product from a secure location to a delivery or pick-up site.

The Examiner indicates that the reference does not specifically mention that there is an order processing system for receiving customer orders. However, he asserts that it was old and well known to place electronic orders for product that have been shipped.

It is noted that none of the Examiner's statements is identified as an Official Notice. Therefore, it appears that the Official Notice is the assertion that it was old and well known to place electronic orders for product that have been shipped.

It is respectfully submitted that the Examiner did not point out wherein Ghazarian discloses that the tracking system is configured to:

- obtain authorization information identifying personnel authorized to perform operations in connection with the product, and
- obtain information identifying personnel involved in handling the product.

Further, the Examiner did not indicate wherein the reference discloses that the tracking system of Ghazarian has an unauthorized access warning mechanism responsive to the authorization information and to the information on the personnel involved in handling the product for providing indication of an access to the product by an unauthorized person.

Considering the reference, Ghazarian discloses electronic vehicle and cargo tracking information system (FIG. 1B, paragraph 0073). A site station warehouse 20 is equipped with RFID read antenna 24 that receives a unique code from a tag mounted on a pallet 21 or carried by a product or person to enable tracking of vehicle, pallet and personnel within buildings or vehicles.

As disclosed in paragraph 0032, the tracking system of Ghazarian automatically monitors vehicle, cargo and personnel location; automatically determine when each vehicle arrives and departs from a site, which cargo or personnel (passenger, student) got pick up or delivered by a vehicle at a site address, when each cargo or personnel entered or exit a site. Vehicles are immobilized upon equipment tamper. Further, the system determines vehicle and loader authentication and access recording, and tracks and locates stolen vehicle and cargo or lost or kidnapped personnel.

Accordingly, the reference does not suggest obtaining authorization information identifying personnel authorized to perform operations in connection with the product, obtaining information identifying personnel involved in handling the product, and the claimed warning mechanism responsive to these types of information for providing indication of an access to the product by an unauthorized person, as claim 1 requires.

Moreover, to more clearly show that the claimed system is not obvious over the suggested combination of the Ghazarian tracking system with a conventional ordering system (presented by the Examiner's Official Notice), claim 1 has been amended to indicate that the

claimed tracking system records ID information that identifies a package containing the ordered product when the package is formed at the storage facility. The ID information includes customer ID data identifying the customer that placed the order into the order processing system. The recorded ID information is being modified when the package is being transferred to the purchase pick-up point to reflect information associated with transfer of the product.

The tracking system tracks changes in the recorded ID information until the product is received by the customer identified by the customer ID data.

It is noted that Ghazarian in combination with a conventional ordering system would not teach or suggest recording product ID information including the customer ID data identifying the customer that placed the order into the ordering system, and tracking changes in the recorded product ID information, which are modified when the product is being transferred, until the identified customer receives the product, as claim 1 requires.

Moreover, the proposed combination would not teach or suggest tracking the product ID data from the moment when a package containing the ordered product is formed until the product is received by the identified customer, as claim 1 recites.

As recited in the dependent claim 4, at least one separate package is provided for the particular (identified) customer. As indicated in claim 5, the package is sealed to prevent exposure of the product to contamination.

As the proposed combination of references is not sufficient to suggest the claimed invention, the invention is not obvious over the references.

In addition, it is well settled that the nature of the problem solved affects all factual inquiries underlying obviousness. Prior art is relevant to the obviousness inquiry if it is “reasonably pertinent to the *particular problem* with which the inventor is involved.” *In re Paulsen*, 30 F.3d 1475, 1481, 31 U.S.P.Q.2d 1671, 1676 (Fed. Cir. 1994).

As discussed in the specification, the claimed tracking system is provided to prevent contamination of products (in particular, food products) in a retail system by unwanted or dangerous substances due to activity of people that can get unauthorized access to the products. This problem is solved by tracking the ordered product (identified by ID data of a customer that placed the order) from the moment when a package containing the ordered product is formed until the product is received by the specific customer.

Neither Ghazarian nor a conventional ordering system addresses the problem and solution addressed by the claimed invention. Therefore, the claimed invention is not obvious over the combination proposed by the Examiner.

In view of the foregoing, and in summary, claims 1-7, 11-17 and 19-36 are considered to be in condition for allowance. Favorable reconsideration of this application, as amended, is respectfully requested.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

McDERMOTT WILL & EMERY LLP



Alexander V. Yampolsky
Registration No. 36,324

600 13th Street, N.W.
Washington, DC 20005-3096
Phone: 202.756.8000 AVY:apr
Facsimile: 202.756.8087
Date: November 7, 2006

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